

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 9  
75 Hawthorne St  
San Francisco, CA 94105



IN THE MATTER OF )

ProGuard, Inc. (R) EPA 58866 )  
1232 Chester Avenue )  
Bakersfield, CA 93301 )  
Respondent. )

) Docket No. FIFRA-09-2026-0070  
) EXPEDITED SETTLEMENT  
) AGREEMENT AND FINAL ORDER  
)

**EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER**

1. The U.S. Environmental Protection Agency (“EPA”), Region IX, through the duly delegated Acting Manager of the Toxics Section of the Enforcement and Compliance Assurance Division (“Complainant”), alleges that **ProGuard, Inc. (R) EPA 58866** (“Respondent”) failed to comply with Section 7(c)(1) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), 7 U.S.C. § 136e(c)(1), and its implementing regulations at 40 C.F.R. § 167.85.

2. Section 7(c)(1) of FIFRA, 7 U.S.C. § 136e(c)(1), requires any producer operating a registered pesticide producing establishment to inform EPA of the types and amounts of pesticides and, if applicable, active ingredients used in producing pesticides, which it is producing, which it has produced during the past year, and which it has sold or distributed during the past year. The information required by this paragraph shall be kept current and submitted to the Administrator annually as required by such regulations as the Administrator may prescribe.

3. Pursuant to 40 C.F.R. § 167.85(d), a producer operating a registered pesticide producing establishment must submit an initial report to EPA no later than 30 days after the first registration of each establishment the producer operates and thereafter complete and submit an annual pesticide production report on or before March 1 of each year, even if the producer has produced no pesticidal product for that reporting year.

4. Respondent has failed to comply with Section 7(c)(1) of FIFRA, 7 U.S.C. § 136e(c)(1), and the regulations at 40 C.F.R. § 167.85(d) by failing to complete and submit its annual pesticide production report for the 2025 reporting year for the facility located at 1232 Chester Avenue, Bakersfield, CA 93301 by **March 1, 2026**.

5. Respondent previously failed to submit an annual pesticide production report for the facility for the 2022 reporting year by March 1, 2023, for which Respondent was issued a Notice of Warning on November 1, 2023.

6. Complainant and Respondent agree that settlement of this matter for a civil penalty of **\$300 (Three-hundred Dollars)** is in the public interest.

7. Complainant is authorized to enter into this Expedited Settlement Agreement (“Agreement”) for the assessment of a civil penalty that simultaneously commences and concludes this matter pursuant to Section 14(a) of FIFRA, 7 U.S.C. § 1361(a) and 40 C.F.R. §§22.13(b) and 22.18(b).

8. By signing this Agreement, Respondent: (a) admits that Respondent is subject to the requirements in Paragraphs 2 through 3 above; (b) admits that EPA has jurisdiction over Respondent and Respondent’s conduct as alleged herein; (c) neither admits nor denies the factual allegations contained herein; (d) consents to any conditions specified in the Agreement and to the assessment of the civil penalty; and (e) waives any right to contest the allegations contained herein or and its right to appeal the proposed Final Order attached hereto.

9. Within 30 days of the effective date of this Agreement, Respondent shall pay a civil penalty of **\$300 (Three-hundred Dollars)** for the FIFRA violations identified in this Agreement.

10. Respondent shall pay the Assessed Penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions, see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>.

11. When it pays the penalty, Respondent must send a notice of payment that states Respondent’s name, complete address, and the docket number (along with a photocopy of the check or a statement of affirmation or receipt of an electronic funds transfer) to:

Regional Hearing Clerk  
Office of Regional Counsel (ORC-1)  
U.S. Environmental Protection Agency, Region IX  
75 Hawthorne Street  
San Francisco, CA 94105  
[R9hearingclerk@epa.gov](mailto:R9hearingclerk@epa.gov)

Rieko Nishimura  
Enforcement and Compliance Assurance Division (ENF-2-3)  
U.S. Environmental Protection Agency, Region IX  
75 Hawthorne Street  
San Francisco, CA 94105  
[nishimura.rieko@epa.gov](mailto:nishimura.rieko@epa.gov)

Carol Bussey, Esq.  
Office of Regional Counsel

U.S. EPA, Region IX  
75 Hawthorne Street  
San Francisco, CA 94105  
bussey.carol@epa.gov

12. Full payment of the penalty set forth in this Expedited Settlement Agreement and Final Order shall only resolve Respondent's liability for federal civil penalties for the violations and facts alleged herein.

13. No portion of the civil penalty or interest paid by Respondent pursuant to the requirements of this Agreement shall be claimed by Respondent as a deduction for federal, state or local income tax purposes.

14. If Respondent does not timely pay the civil penalty, EPA may bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties, and the United States enforcement expenses for the collection action. The validity, amount and appropriateness of the civil penalties are not reviewable in a collection action.

15. EPA reserves all of its rights to take enforcement action for any other past present or future violations by Respondent of FIFRA, any other federal statute or regulation, or this Agreement.

16. By its signature below, Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that it has now submitted its 2025 annual pesticide production report; and it is presently in compliance with all requirements of FIFRA, 7 U.S.C. §§ 136 *et seq.*

17. Each party shall bear its own costs and fees, if any.

18. The undersigned representatives of Respondent and Complainant each certifies that he or she is fully authorized to enter into this Agreement and to bind the party that he or she represents.

19. This Agreement is binding upon Respondent and its successors and assigns and, in accordance with 40 C.F.R. § 22.31(b), is effective upon the filing of the Agreement and the Final Order attached to the Agreement.

IT IS SO AGREED.  
FOR RESPONDENT:

J. Crandall Date: 5/20/24

Name  
(Print):

Janna Caron Crandall "Carie"

Title  
(Print):

CEO of ProGuard, Inc. EPA 58866

\* ProGuard has no agents.

FOR COMPLAINANT:

\_\_\_\_\_  
Scott McWhorter  
Acting Manager  
Toxics Section  
Enforcement and Compliance Assurance Division  
U.S. Environmental Protection Agency, Region 9

Date: \_\_\_\_\_

Complainant and Respondent, having entered into the foregoing Expedited Settlement Agreement, this Agreement shall become effective upon filing.

This Expedited Settlement Agreement and Final Order shall be entered and Respondent shall pay a civil penalty in the amount of \$300 and comply with any other terms and conditions set forth in this Agreement.

**IT IS SO ORDERED.**

\_\_\_\_\_  
Beatrice Wong  
Regional Judicial Officer  
U.S. EPA, Region IX

Date: \_\_\_\_\_



**REGION 9**

SAN FRANCISCO, CA 94105

VIA EMAIL: [jccrandall21@gmail.com](mailto:jccrandall21@gmail.com)

Janna Caron Crandall  
ProGuard, Inc. (R) EPA 58866  
1232 Chester Avenue  
Bakersfield, CA 93301

Re: Section 7(c) Notice of Federal Insecticide Fungicide and Rodenticide Act Requirements:  
**Opportunity for Expedited Settlement**  
Establishment No. 58866-CA-1

Dear Janna Caron Crandall:

The U.S. Environmental Protection Agency ("EPA" or the "Agency"), Region 9 has conducted a review of information available concerning ProGuard, Inc. (R) EPA 58866 ("PGI")'s pesticide producing establishment, EPA Establishment Number 58866-CA-1, located at 1232 Chester Avenue, Bakersfield, CA 93301. Our review indicates that PGI failed to comply with the reporting requirements for the establishment found in Section 7(c) of the Federal Insecticide Fungicide and Rodenticide Act ("FIFRA"), 7 U.S.C. § 136e(c), and implementing regulations at 40 C.F.R. Part 167. Specifically, Section 7(c) requires any producer operating a registered pesticide-producing establishment to inform EPA of the types, amounts and, if applicable, active ingredients of any pesticides that the establishment is producing, has produced, sold, or distributed during the past year. The regulation found at 40 C.F.R § 167.85(d) provides that this pesticide report must be filed annually on or before March 1, even if the establishment has not produced any pesticidal products for that reporting year. In this instance, EPA Region 9 did not receive your pesticide production report for the establishment before the March 1st deadline for the 2025 calendar year, which constitutes late-reporting.

Under Section 12(a)(2)(L) of FIFRA, 7 U.S.C. §136j(a)(2)(L), it is unlawful for any person who is a producer to violate any provision of Section 7 of FIFRA. The submittal of an inaccurate, incomplete or late annual pesticide report is a violation of Section 7(c) of FIFRA. Please be advised that EPA Region 9 issued a Notice of Warning to PGI for a prior violation of Section 7(c) of FIFRA on November 1, 2023.

If you determine that you are not subject to or have not violated this requirement, please provide a written explanation, along with any relevant documentation to Rieko Nishimura at the EPA address shown below within fifteen (15) days of your receipt of this letter.

However, if you determine that your company did not comply with this requirement, EPA is committed to the fair and rapid settlement of this matter. While Section 14(a) of FIFRA and the Civil Monetary

Penalty Inflation Adjustment Rule at 40 C.F.R. Part 19 authorize EPA to pursue civil penalties of up to \$20,528 for each violation of FIFRA, EPA Region 9 hereby offers to quickly resolve the alleged violation above for payment of a penalty of \$300 (Three-hundred Dollars).

To take advantage of an expedited settlement of this matter, you must comply with each of the following conditions:

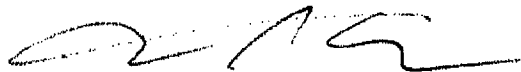
- (1) Sign and return to EPA Region 9 the enclosed Expedited Settlement Agreement ("ESA") within thirty (30) days of receipt of this letter. Please note that in signing the ESA, you are certifying that you have corrected the violations cited and that you are waiving your opportunity for a hearing or an appeal concerning the violations. Send the signed ESA by email to:

Rieko Nishimura  
Enforcement Division (ENF-2-3)  
U.S. Environmental Protection Agency, Region IX  
75 Hawthorne Street  
San Francisco, CA 94105  
nishimura.rieko@epa.gov

- (2) After you receive an email confirmation of the ESA filing from Rieko Nishimura, pay the assessed penalty of \$300 (Three-hundred Dollars) within thirty (30) days of the effective date of the Agreement. Your penalty payment should conform to the instructions contained in the enclosed document entitled "Penalty Payment Instructions."

This offer expires after thirty (30) days of your receipt of this letter. After thirty (30) days, this settlement offer will be automatically withdrawn, without prejudice to EPA's ability to file an enforcement action for the cited violations and seek up to the maximum penalty for each violation. If you have any questions or wish to discuss the general circumstances of your case, contact Rieko Nishimura of my staff at [nishimura.rieko@epa.gov](mailto:nishimura.rieko@epa.gov).

Sincerely,



Matt Salazar, P.E.  
Manager, Toxics Section  
Enforcement and Compliance Assurance Division

Enclosure:  
Penalty Payment Instructions

## **Penalty Payment Instructions**

Penalty payment instructions are provided on the EPA website: <https://www.epa.gov/financial/makepayment>.

For additional instructions, see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>.

**If clarification regarding a particular method of payment remittance is needed, please contact the EPA Cincinnati Finance Center at 513-487-2091.**

In addition, a copy of the check or notification that the payment has been made by one of the other methods listed above, including proof of the date payment was made, shall be sent with a transmittal letter indicating Respondent's name, the case title, and the docket number to the following addresses:

Regional Hearing Clerk  
Office of Regional Counsel (ORC-1)  
U.S. Environmental Protection Agency, Region IX  
75 Hawthorne Street  
San Francisco, CA 94105  
r9HearingClerk@epa.gov

Rieko Nishimura  
Enforcement and Compliance Assurance Division (ENF-2-3)  
U.S. Environmental Protection Agency, Region IX  
75 Hawthorne Street  
San Francisco, CA 94105  
nishimura.rieko@epa.gov